

REMARKS

The rejections of Claims 3, 4, 6-11, 13 and 15-19 as being unpatentable over Nagasaka et al in view of Chou and Sugino et al and of Claim 20 as being unpatentable over Nagasaka et al in view of Chou and Sugino et al and further in view of Asai et al, both under 35 U.S.C. §103(a), are respectfully requested in view of the foregoing amendment to Claim 3 and the following comments.

Even with the hypothetical benefit of the secondary teachings of Chou, Sugino et al and/or Asai et al, the modification of the Nagasaka et al identification device would not result in the prevent invention. In particular, Applicants have included the feature shown in Fig. 6 and described at page 13, lines 10-11 and 21-23 of the Specification, namely the first and second filters having different functionalities. That is, the first filter functions to transmit light of only preselected wavelengths, e.g. cutting out visible light in favor of infrared light. The second filter is disposed so as to transmit only a component of incident light that enters the second filter perpendicularly.

The foregoing arrangement is not suggested in the Nagasaka et al apparatus. Its filter as described at col. 4, lines 22-24 is comparable only to the first filter, not the claimed second filter. The same is true of the Sugino et al identifying system as made clear at col. 5, lines 8-10 of the Sugino et al patent, which describes the filtering of visible light.

The Office Action (page 4) also states that the Nagasaka et al patent whose side walls function as a filter. Those side walls function merely to block

out extraneous light, not to allow transmission of one medium in favor or another one in the commonly understood meaning of the term "filter". Otherwise, all objects such as the walls of a house and the like would be filters, and that clearly is an unreasonable interpretation.

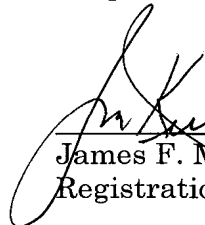
A *prima facie* case of obviousness is thus not present in this case.
Accordingly, early and favorable action is earnest solicited.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 056205.57280US).

Respectfully submitted,

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